

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 9, 2016 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. MR. HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MR. DEAN HOLLAND
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

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- MR. RAMOS MOTIONED TO ADD ORDINANCE 6-2016
MRS. MAY SECONDED THE MOTION
7 YEAS
ORDINANCE 6-2016 IS ADDED TO TONIGHT'S AGENDA

**Mr. Holland advised that the Agenda for May 9, 2016 did not include the Comments from Council Section. President Hitchcock said the clerical error will be corrected by the Clerk.*

- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA AS AMENDED
MRS. RAMOS SECONDED THE MOTION
7 YEAS
THE AGENDA HAS BEEN ACCEPTED
- MR. LAUTENSCHLEGER ADVISED OF A TYPO IN THE MINUTES FROM THE APRIL 25, 2016 REGULAR SESSION OF COUNCIL. ON PAGE 9 OF THE MINUTES IT INCORRECTLY SAYS COUNCIL CAME BACK FROM EXECUTIVE SESSION AT 9:35. THE MINUTES SHOULD HAVE SAID COUNCIL RECONVENED AT 8:35.
- MRS. MAY MOTIONED TO ACCEPT THE MINUTES FROM THE REGULAR COUNCIL MEETING MONDAY, APRIL 25, 2016 AS CORRECTED
MRS. MAY SECONDED THE MOTION
7 YEAS
THE MINUTES WERE APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Mayor Day and New Philadelphia City Council from Community Cats Director Katie Lisnik, dated April 29, 2016, the following is an excerpt from Ms. Lisnik's letter:*

“Dear Mayor Day and Council Members, the Humane Society of the United States, the Nation’s largest animal protection organization understands that managing community feral and stray cats is a complex issue that concerns many municipal leaders and agencies mandated to serve and protect the public. Cat management should be designed to protect public safety, protect cats, and provide animal control agencies with effective, proactive, humane tools to manage cat populations. Lethal trap and remove efforts are ineffective in curbing populations and will never achieve the desired results for a variety of reasons. Animal control officers may remove some cats, but those not trapped will continue to reproduce. In addition, new cats will migrate, and due to food source availability, trap-and-euthanize is extremely costly and labor intensive, not to mention unpopular with the vast majority of American citizens. It’s also a haphazard approach that addresses too few cats, often targets household pets, and has little impact on animal welfare, environmental, or public health issues.

*Respectfully,
Katie Lisnik
Director, Cat Direction and Policy*

*Danielle Bays
Community Cats Program Manager*

2. *To New Philadelphia City Council, Mayor Day, and Safety Director Popham, from New Philadelphia Fire Chief Jim Parrish, dated April 30, 2016, The Fire Incident Report for April of 2016.*
3. *To New Philadelphia City Council and Administration from Mayor Joel Day, dated May 2, 2016, The Mayor's Monthly Statement to Council.*
4. *To New Philadelphia City Council and Administration from City of New Philadelphia Income Tax Administrator Vicki Daniels, dated May 2, 2016, The April 2016 Report Month End Tax Revenue by Year.*
5. *To New Philadelphia City Council and Administration from New Philadelphia Fire Chief Jim Parrish, dated May 4, 2016, An Agreement Between the City of New Philadelphia and the International Association of Firefighters Local 1501, Effective January 1, 2016 through December 31, 2018.*
6. *To Mayor Day, New Philadelphia City Council and Administration, from Auditor Beth Gundy, dated April 30, 2016, Budget Report with Encumbrance Details as of April 30, 2016.*
7. *To New Philadelphia City Council, Administration, and Mayor Joel Day from Auditor Beth Gundy, dated May 4, 2016, City of New Philadelphia Statement of Cash Position with MTD as of April 30, 2016.*
8. *To New Philadelphia City Council, Administration, and Mayor Joel Day from Auditor Beth Gundy, dated May 4, 2016, The Auditor's Financial Statement for April of 2016.*
9. *To Clerk of New Philadelphia City Council Julie Courtright from Director of Human Resources for the City of New Philadelphia Mary Kurtz, dated May 4, 2016, Ms Kurtz wrote the following:
"Julie, attached please find collective bargaining agreements for the four unions, both annotated and final copies for City Council's review. Also attached are CVA Comparisons and a summary of FOP Negotiations."*
10. *To Mayor Day, New Philadelphia City Council, and Administration, from Director of Human Resources for the City of New Philadelphia Mary Kurtz, dated May 4, 2016. Ms. Kurtz wrote the following regarding the Sick Leave Donation Policy:
"I would like to respond to City Council's request to provide feedback regarding the proposed Sick Leave Donation Policy. I understand City Council is concerned about the volume of work that this might present to the Director of Human Resources. After discussion with our consultant we feel the policy would not greatly effect the volume of work Human Resources would absorb to the extent that it would impede the usual tasks of the Human Resources Department. This policy is designed for those employees who have extenuating medical situations which have resulted in the employee exhausting all of their earned leave time. An extenuating medical situation is defined as a long-term illness or serious injury documented by a licensed physician. Routine surgeries and medical appointments are not construed as being applicable to this policy."*
11. *To New Philadelphia City Council, Mayor Day and Administration from Jessica Haney and John Studer, dated May 5, 2016, an invitation to an Open House for My Museum Tattoo Studio, located at the former Tuscarawas Avenue Elementary School.*
12. *To New Philadelphia City Council and Administration and Mayor Day from Fire Chief Jim Parrish, dated May 5, 2016, Chief Parrish wrote the following in a press release on Open Burning:
"I'd like to take a moment to remind residence of an open burning law that is effective throughout Ohio. Under Ohio Revised Code 1503.18 and Ohio Administrative Code 3745.19, there's an open burning ban in effect March, April, May, October and November between 6am and 6pm. This ban includes burning of yard waste, trash, and debris, even in a proper burning barrel."*
13. *To Council and Administration from Mayor Joel Day, dated May 9, 2016. The Mayor's Report.*
14. *To Council and Administration from Auditor Beth Gundy dated May 9, 2016. The Auditor's Monthly Statement of 2016 revenue for the General Fund.*
15. *To Council and Administration and Mayor Day from Treasurer Tom Gerber, dated May 9, 2016. The City of New Philadelphia 2016 Bank Reconciliation.*
16. *To Council and Administration and Mayor Day from Treasurer Tom Gerber, dated May 9, 2016, Investments and Savings Program for April of 2016.*

17. *To Clerk of Council Julie Courtright from Erin Begue, Funding Administrator for W.E. Quicksall and Associates, dated May 6, 2016. Ms. Begue wrote the following: "Julie, attached is a notice that was sent to the paper that should be in the paper on Friday, May 13, 2016. I will be bringing the agenda with me with copies for Council Members for the meeting and the Public Hearing which will be scheduled for Monday, May 23, 2016."*

Administrative Reports.....

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

The Mayor reported the following:

- **Dedication of the "Orion" sculpture on the House of Stones Quadrant:** Again I would like to thank House of Stones owner Alan Rodriguez and the New Philadelphia Rotary Club for their donation of the beautiful lighted carousel horse sculpture named "Orion", which is now proudly displayed on the House of Stones downtown quadrant. Orion, the House of Stones LED building lighting and the Quaker Theatre façade have established the start of a downtown artistic theme based upon dramatic lighting and sculpture. I hope the efforts by Mr. Rodriguez and the Rotary Club inspire other downtown property owners and the county commissioners to join in the evolution of the downtown area into one of New Philadelphia's key attractions.
 - **Monthly Budget Meeting:** In order to better manage the appropriation budget passed by Council, I am instituting monthly budget meetings with Finance Committee chair Lautenschleger, Auditor Gundy and Service Director McAbier. Our first meeting is scheduled for Wednesday May 25th at 11am in the Mayor's office.
 - **Welcome SEI to Downtown New Philadelphia:** I would like to welcome Starlight Enterprises Incorporated to downtown New Philadelphia. SEI has purchased the Toland Herzig Funeral Home property on East High Avenue in order to expand into a second facility. SEI will now have two locations in the city, adding to the location at East High and 4th Street SE it purchased about a year ago.
 - **Request for an Executive Session to Discuss Contract Negotiations:** The administration's bargaining team reached a tentative agreement with the AFSCME Service bargaining unit on April 22nd after six hours of negotiations. Mr. President I would request an executive session with Council following the reading of legislation to discuss the tentative agreement.
- Mrs. Ramos had the following question for Mayor Day:
Regarding the feral cat problem at Carrie Avenue and 2nd Street NW, the out-of-state Group that had asked us to stop that from a correspondence. I think it said that it had our plan.
 - Mayor Day had the following response for Mrs. Ramos:
That was irroneous.
 - Mrs. Ramos had the following response to Mayor Day:
My question was, how are the neighbors going to feel about the cats being returned?
 - Law Director Fete had the following response for Mrs. Ramos:
The letter that was received from an out-of-state organization asked for us to put a halt to what was being done. The proper procedure, if any group wants to do that, is file for an injunction in the common pleas court that governs New Philadelphia, the Tuscarawas

County Court of Common Pleas. They would need to prove as a legal standard that an injunction would be necessary and that the judge would have the authority to grant that, and that judge would set it for a full hearing. It's my knowledge that no one has done that. I believe this was more or less a "boiler plate" type letter that we received from an organization that may or may not have received funding for doing these types of things. That's the proper procedure, that hasn't been done. There's no intention to do anything along those lines. I also want to stress that we have a contract with the Humane Society that the Humane Society drafted and I approved. The reason that we've gone that route is that the Humane Society, like the City of New Philadelphia, understands that there is nothing humane about taking cats and throwing them over a fence into an enclosed area because nobody wants them, and then having them fend for themselves. There's nothing humane about that. That's why the Humane Society is involved in this process. That's why the Humane Society has submitted a contract for the City of New Philadelphia for the procedure as well as the person that we are to utilize in the humane removal of these cats. These are by legal definition feral cats because they do not meet the definition of being kept, because there's nobody keeping these cats. They're just thrown and unwanted into this area. Every one of these cats that is captured first goes to the Humane Society with the goal of having these animals given a proper home. The Humane Society has first call on what happens to these animals. I was prepared to speak about this at length during my statement because I spent an unusually large amount of time on this subject over the past week. It's been thoroughly researched and I believe that the City of New Philadelphia has taken the best possible and humane approach to this by involving the Humane Society. The actions that we've done have been done in accordance with good faith, and with the best interest of the health, safety, and welfare of our citizens, as well as making sure that these animals are treated humanely.

- Mrs. Ramos had the following response to Mr. Fete:

Thank you for explaining that. I was confused because I got an email from that person from out-of-state that said the City has stopped the "procedure". My concern was that we were taking care of it here, that we were doing what we should be doing. That under Mayor Day's administration that was happening, and an outside, out-of-state organization inserted themselves into an issue that I personally felt is was none of their business because we have the resources here. It sounds like whatever they sent me was in error. I will forward that email to both of you then.
- President of New Philadelphia City Council Sam Hitchcock had the following statement regarding the Mayor's report:

I would like to touch on what the Mayor mentioned about the carousel horse sculpture downtown. If you haven't seen that you owe it to yourself to go down and take a look. It is lighted at night. It was created by a former resident of New Philadelphia, Mr. Patrick Buckohr. It is beautiful, it is a very nice addition to as some would consider the "front room" of our beautiful community. A very nice addition and a very nice tie-in with our park system, which is also very attractive.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

- On April 26th we went over material bids on various items including a paving contractor. I'd like to let everybody know that in the next few weeks we'll pick a paving contractor. Seventy percent of the paving at this time looks like it will be in the Northwest section. I'll have a formal report on the streets we're going to do.
- Concerning the Downtown Lighting Project: All the new LED lights are in all the quadrants so that's up and going strong. By the first Second Saturday

Celebration of the Summer we'll have all the electric in all the quadrants.

- A week ago I talked to Paul Herman from O.D.O.T. concerning the State Route 416 project for next year. He's talked about maybe pushing it back. We'll meet in the next few weeks to see if that would be a possibility.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORGREG POPHAM

Mr. Popham had the following report:

- I would like to commend the Fire Chief and all the members of the Fire Department for taking steps in something that has been in the process for several months, the Special Needs Registry. I think that's a fantastic idea. With the Chief and all the members of the Fire Department participating it has helped and will continue to help put that program together. It's making this a better community to live in.

- In the Police Department we have a little bit of an issue that developed over the 15 years. We have a lift station in the basement that has served it's useful purpose for the last probably 35 years and we think it's on its last leg. Unfortunately it's a little pricey to replace. It's been fixed with a band-aid but the band-aid's not going to last long. That will be another upcoming issue here that basically wasn't projected and we didn't see anything coming on this.

TREASURER MR. TOM GERBER

Mr. Gerber had the following report:

I have no formal report. I gave Ms. Courtright the Reconciliation for 2015. I also gave it to Mr. Lautenschleger and I would encourage the other Councilmembers to go over that. It's very detailed. I think it's quality. I also gave the Investment Report.

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete made the following statement:

- I essentially shared the bulk of my comments already regarding the feral cat situation. I do have some information and a legal opinion that I would like to share with Council in Executive Session when the union contracts are discussed. I will reserve my comments until then.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet here in Council Chambers tomorrow at 1:00pm.

BOARD OF ZONING APPEALS.....MR. RON MCABIER

The Board of Zoning Appeals will meet tomorrow at 5:00pm here in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet tomorrow evening, Tuesday May 10th at 6:00pm at the Harry Clever Meeting Room. We will have a special guest in attendance, Dean Brad Bielski from Kent State University Tuscarawas. He'll be there to share some of his thoughts on the airport and maybe some of the partnerships that can develop between ourselves and the Kent State University programs.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The Park Board will meet May 18th at Noon at the Tuscora Park Office.

HEALTH BOARD..... MRS. AIMEE MAY

The next Health Board meeting is this Wednesday, May 11th at Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER.....NO REPORT

SALARY COMMITTEEMr. John Zucal

Mr. Zucal had the following report:

Just a reminder to Members of Council that we do have Resolutions 17-2016, 18-2016 and 19-2016 on tonight's agenda for 3rd readings. These are the appointments to the Income Tax Review Committee. The appointments of Pat Cooper, Craig Barnett and Kevin Warrene and we will be recommending passage of those three gentlemen to the Committee.

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER

Mr. Maurer had the following report:

I don't have an official report however we will be meeting soon on water and sewer rates.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take into his Committee a request that was forwarded to him by the Safety Director regarding a new traffic ordinance request.*

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Zoning and Annexation Committee did meet tonight at 7:00 to discuss Phase 2 for Kent Cove. The Committee discussed requirements in Ordinance 1121 as far as infrastructure for Plat approval. In lieu of that the Ordinance says that you can have an irrevocable letter of credit and we reviewed that as well. The Committee Recommended that Ordinance 6-2016 be placed on tonight's agenda with the amendment that says "Infrastructures in place". I don't like to suspend rules but Kent Cove Phase 2 kind of slipped through the cracks since 2009. We're recommending suspension of the rules and passage tonight on 1st reading. Also in the future the Committee will be meeting to discuss a change in zoning at 233 Fair Avenue NW which has been operating as a Bed and Breakfast. We need to change the zoning to Central Business District. That meeting will be scheduled in the near future.

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC.....NO REPORT

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY....

Mrs. May had the following report:

The next Cemetery Board meeting is this Thursday, May 12th at 9am.

President of New Philadelphia City Council Sam Hitchcock made the following statement:

Before we go into Visitor's Comments I would like to entertain a motion for the Mayor's request for an Executive Session to update us on Collective Bargaining agreements.

MR. ZUCAL MADE A MOTION FOR EXECUTIVE SESSION

MRS. MAY SECONDED THE MOTION

7 YEAS

THERE WILL BE AN EXECUTIVE SESSION AFTER LEGISLATION TONIGHT

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Mr. Zucal made the following comment:

I too would like to recognize the work of the House of Stones and the New Philadelphia Rotary for the completion of the Orion Project in the quadrant that surrounds the House of Stones. It's great, and just one thought to share. I would love for this to be the impetus for future work that can be done in each of the quadrants. My thought would be that we can include future sculpture work that could potentially include the Shoenbrunn Village, whether it be the schoolhouse or one of the cabins,

I'd love to see something football related to honor Wayne Woodrow Hayes, the Woody Hayes Quaker Stadium. So we'd have three of those quadrants completed with a fourth one being open to the citizens of the City of New Philadelphia by vote. To share their thoughts and opinions of what the fourth might be and get some public comment and recognition for that. That way we'd have all four quadrants done. I think it would be a great way to keep our downtown active and vibrant and certainly be an attraction for those who visit the City to recognize our commitment to improving and enhancing our downtown.

Mr. Holland made the following comment:

What talented students we have in our school system. Just absolutely phenomenal. I had an opportunity to attend the New Philadelphia High School's Steel Drum Band Presentation of Panstock 16. What talented young people we have. They also had some members that were designated as All Ohio Choir members. They were Andrew Huff, a Junior, and Seniors Cameron Warner and Samantha Sayre. They also had two high school students that were named the 2016 National School Choral Award winners, Logan Pipes and Samantha Sayre.

I also had an opportunity to attend a presentation about La Amistad. La Amistad is a non-profit organization that exists as a resource for our community to aid in a better understanding of the latino community and the children of that community with support through tutoring and social events and advocacy for those children. La Amistad has the vision of reaching the community and cultural gap through education, friendship, and mentoring.

President of New Philadelphia City Council Sam Hitchcock had the following response to Mr Holland's statement:

If you enjoyed the steel drum concert I would like to invite you out to the Tuscora Park Amphitheater on May 29th as the 19th Season of Summer Showcase begins.

Mr. Lautenschleger made the following comment:

I also heard a little bit about La Amistad through The Community Health Improvement Program. I would suggest that we consider maybe a community forum to have a presentation from them. I learned a number of things about the Hispanic and Latino community through that discussion. Things that I was really unaware of. I've been trying to seek information through the years. I would think a presentation by this group would be something we could all benefit from.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

6-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA OHIO SET THE FINAL PLAT OF THE KENT COVE ESTATES PHASE 2 OFF OF UNIVERSITY DRIVE NE BY DEVELOPER BOB MARTINELLI.
1ST Reading

MRS. RAMOS MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 6-2016
MR. LAUTENSCHLEGER SECONDED THE MOTION
7 YEAS
RULES ARE SUSPENDED ON ORDINANCE 6-2016

MRS. RAMOS MOTIONED FOR PASSAGE OF ORDINANCE 6-2016
MRS. MAY SECONDED THE MOTION
7 YEAS
ORDINANCE 6-2016 IS PASSED

RESOLUTIONS:

17-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF PAT COOPER BY THE MAYOR TO THE INCOME TAX BOARD OF REVIEW FOR THE TERM OF THREE YEARS.
3rd READING

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 17-2016
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 17-2016 IS PASSED

18-2016

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO
TO APPROVE THE APPOINTMENT OF CRAIG BARNETT BY THE MAYOR TO THE
INCOME TAX BOARD OF REVIEW FOR THE TERM OF THREE YEARS.
3rd READING

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 18-2016
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RESOLUTION 18-2016 IS PASSED

19-2016

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO
TO APPROVE THE APPOINTMENT OF KEVIN WARRENE BY THE MAYOR TO THE INCOME
TAX BOARD OF REVIEW FOR THE TERM OF THREE YEARS.
3rd READING

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 19-2016
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 19-2016 IS PASSED

22-2016

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO
TO AUTHORIZE THE RATE INCREASE FOR AMBULANCE SERVICES PROVIDED
BY THE NEW PHILADELPHIA FIRE DEPARTMENT FOR THE CALENDER YEAR
2016.
2ND READING

**COUNCIL TOOK A 10 MINUTES RECESS AT 8:09PM AND WENT BACK ON THE
RECORD AT 8:19 BEFORE GOING INTO EXECUTIVE SESSION AT 8:19.
AT 9:58 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL.**

UNFINISHED OR OLD BUSINESS:

Mr. Holland had the following statement.

I would like to give notice. I will be asking for a Special Session of Council.

President of New Philadelphia City Council Sam Hitchcock had the following response:

I will be asking for a Special Session of City Council 5:00 Wednesday, May 11th.

Mr. Lautenschleger had the following response for President Hitchcock:

What is the purpose of the Special Session?

President of New Philadelphia City Council Sam Hitchcock had the following response:

The purpose is to discuss an Ordinance for Collective Bargaining contracts for the
International Association of Firefighters.

Mr. Holland to President Hitchcock:

I had another purpose for a Special Session of Council. I was going to ask for a
Special Session so that our public safety personnel can brief us.

President of New Philadelphia City Council Sam Hitchcock to Mr. Holland:

Any particular time on that request?

Mr. Holland to President of New Philadelphia City Council Sam Hitchcock:
For the next regular session on May 23rd.

Mrs. Ramos to Mr. Holland:
What time do you think?

Mr. Holland to Mrs. Ramos:
It would be after legislation.

NEW BUSINESS: NONE

MR. MAURER MADE A MOTION TO ADJOURN AT 10:00 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock